inflicted on murder of the second degree as well as manslaughter, short of death, that no temptation may be held out, as is the case at present by law, to procure the conviction of those charged either with felony or larceny, and that following the expressions of the constitution, which is the ground work of this disagreeable, but necessary part of your duty, providing that "all penalties shall be proportioned to the nature of the offence," and bearing in mind that the true design of all punishments are to reform, not to exterminate mankind?

The agent appointed by the general assembly at their last session for the Muskingum salt springs, resigned his appointment, consequently no report can be made to the present assembly, as was directed by the 15th section of the "act regulating the public salt works," for the executive did not think himself authorised to appoint a successor, because by the 8th section of the 2d article of the constitution it is expressed, that "when any officer, the right of whose appointment is by this constitution vested in the general assembly shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy by granting a commission which shall expire at the end of the next session of the legislature; now this appointment is not known in the constitution, consequently not by it vested in the general assembly, but is an appointment created by law, therefore the law creating the appointment ought to provide as well the mode of filling vacancies which may occur therein, as in first filling the appointment itself; should this reasoning appear correct and no remedy be provided, and the appointment of agent of the Scioto salt licks become by any means vacant, the public might be very considerably injured, both for want of attention to that part of the revenue which arises from this source as well as for want of attention to the public property there; in the same situation are the road commissioners, appointed under the "act appropriating part of the three per cent granted for laying out, opening and making roads within this state," which act will require the attention of the legislature, inasmuch as the law provides, that the commissioners shall have a certain compensation for their services, but is silent as to the time when, or manner in which they shall receive it; the law also contemplated, that the commissioners would have so progressed as to have been able to draw orders on the treasurer by the first day of November last, and in that case provided a mode of payment, but made no provision for such as should not be presented by that period, and it appears only three of the commissioners were able to call on the treasurer by that time, by a statement which will be made to you by that officer; it will appear also, that the appropriation made at the last session is not adequate to the expenses ordered to be incurred under the act.

In exhibit No. 2, I lay before you, a resolution of the general assembly of the state of Kentucky, communicated to me through the late governor thereof, relative to opening the rapids of the Ohio river. The attainment of this object is of so much consequence to the citizens of this state, that you will doubtless give the subject that consideration its importance merits.

In exhibit No. 3, I also lay before you, a communication from the governor of the state of Massachusetts, covering certain resolutions of the legislature thereof, respecting an amendment proposed by them to be made to the constitution of the United States, accompanied with a request that similar measures to those contained therein may be adopted in the state of Ohio.

The Secretary of State of the United States, has notified this state, that the amendment proposed by Congress, at their last session, to the constitution of the United States, respecting the manner of voting for a President and Vice-President, has been duly ratified by the constitutional number of states.

In exhibit No. 4, you will find, a list of the vacancies which have occurred during the recess; it is thought, that the resignation of so many of the associate judges of the courts of common pleas, arises from the provision in the 12th section of the act, entitled "An act to amend an act organising the judicial courts," which provides "that no associate judge, while he continues in office, shall accept of (or perform the duties of) any other office of trust or profit under this state." However just the reasoning may be which led to this provision, yet in the present stage of population in many counties, and the very trifling pecuniary consideration which is allowed, perhaps it might be [illegible] to keep this guard upon the judges of the superior courts and the presidents of the common pleas only, who are so provided for as to be able to devote their whole time to the discharge of their official duties.

The appropriation made at the last session of one thousand dollars, subject to the orders of the governor, remains unexpended, save twenty five dollars which has been called for to defray the expenses of the carriage of books, postage of laws of the other states and other public returns; a list of which you will find in exhibit No. 5, and which will require an appropriation for their distribution.

Great embarrassments have been experienced in many counties of the state, in consequence of not receiving the laws of the last session in due time; in the new county of Muskingum they had not arrived before the time had elapsed when they were directed to elect their county officers, whereby serious injuries have accrued both to the public and individuals; and should non-resident proprietors of lands not have had an opportunity in time to pay their taxes, for want of a proper officer to receive them, as the sheriff had not qualified himself according to law, whereby the appointment devolved on the commissioner, who had not been elected, it would certainly be unjust in the extreme to subject them to either a penalty or damage, as the law at present contemplates, but would be a duty incumbent on the legislature to provide an early and proper remedy; and to ensure the timely distribution of the laws in future, would it not be proper that the public printer be bound to have those which may be enacted this session, ready for delivery against a time certain, and not be interrupted in his engagements, as heretofore, by printing the journals of either house? It would be a considerable saving to the state, if it should be thought sufficient to have them published in one or two of the newspapers, which might answer every purpose in giving to those anxious to see how the public business has been conducted, the necessary information.

In hopes you will have an agreeable session, and that your united efforts will tend to the advancement of public and individual happiness, I beg you to accept the assurances of my sincere attachment to and anxious wishes for, the future prosperity of the people and state of Ohio.

EDWARD TIFFIN.

December 4, 1804.

KENTUCKY LEGISLATURE.

Answer of the Senate, to the Governor's Address.

To his Excellency Christopher Greenup, Esq. Governor of Kentucky.

SIR,

In congratulating you on your accession to the chief magistracy of the commonwealth, we are sanguine in our hopes that the honorable testimony of esteem you have received from your fellow citizens, will be advantageous to all. It is a pledge that those qualifications which have acquired you the confidence of your country, will be uniformly exerted to guard and promote its interests.

The view you have given us of the general prosperity of the state, is a pleasing, and we believe a correct one. In the causes that produce it, we discover and acknowledge the provident attention of the government, to the interests of the western states of America.—We believe, however, that the chief source of the prosperity of every nation, exists within itself. While habits of industry pervade a country, while the efforts of its inhabitants to improve their own situation, meet with no restraint but such as is imposed by a sense of justice to their fellow citizens; while a love of order, and that respect and subordination to the constituted authorities of the country prevail, without which, liberty is licentiousness, a nation must prosper, and the people bid fair to be happy.—To these subjects, and to the means of promoting a state of things so desirable, it is our duty to attend. No step, perhaps, is more likely to effect it, than to place the judiciary on a footing which shall enable the executive, to select such men to fill it, as possess integrity and abilities to execute the arduous duties of their office, so as to command the respect and confidence of our citizens.

In the criminal code of this state, the legislature have attempted to proportion the punishment of crimes, to their magnitude. The equity of this measure, it was hoped, might prevent those evasions of the law, which the pity of individuals, or a sense of justice in juries, sometimes tempted them to interpose in behalf of a criminal, and would render his punishment as certain as it was lenient. If any thing should still be wanting to effectuate these objects, we will endeavor to supply it.

The revenue of the state will meet with that attention which your recommendation, and the importance of it requires. In providing for the necessary expences of government, it is our duty to equalise the burthen among those who contribute to support it, and to render it as light as the public exigencies will admit of. The failure of many public collectors, in the execution of their duties, has occasioned too much inconvenience to remain without animadversion. We shall attempt to remove the evil, and in this, as well as in every other measure which may conduce to the public advantage, we have no doubt of your cheerful concurrence.

Wednesday, November 21.

Answer of the House of Representatives to the Governor's Address.

To his Excellency C. GREENUP.

We congratulate your excellency upon the distinguished approbation which our citizens have given you, by your late election to the chief magistracy—a testimony of their attachment to you the more honorable, since it is the unconstrained expression of the will of a free people. Whilst other nations, by a fatal acquiescence, suffer themselves to be enslaved by a single man, at the very moment when he is delusively promising them liberty, it is the happy lot of Americans to enjoy in reality this invaluable blessing. We agree with you, that renowned in history as are the republics of Greece and Rome, their systems of government were much less calculated to secure the great objects of human association, than those of our own country. It was reserved for her to produce, as it were, and perfect the great principles of election and representation; and to demonstrate to the old world that, degenerated as we are supposed to be in the proud opinion of some of their philosophers, we have presented the people in the government of themselves, in a dignified station worthy of their imitation.

That under the auspices of such a government, wisely administered, should appear a growing agriculture, flourishing manufactures, and an extensive commerce was to have been expected; and the pleasing presage of future wealth and greatness, which they authorise us to anticipate in our own state, is gratifying indeed. Where but yesterday the tottering canoe of savage man was dashed by every agitation of the stream, now rides in grandeur the stately ship, defying the rage of the storm, and affording the means of safe transportation to the most distant quarter of the globe, of all the surplus products of civilized life. In facilitating this intercourse, the acquisition of Louisiana cannot be too highly appreciated. Whilst it gives to us in all its extent that immense country, comprehending perhaps West Florida, and the Island of New-Orleans; it places under our sovereignty one of the finest and noblest rivers in the world. This great attainment, so honorably and wisely obtained, and so worthy of preservation at any hazard, secures to our own state in the federal union that elevation to which she is entitled.

The order which you are pleased to inform us prevails throughout the state; the respect shewn to the public functionaries; and the absence of criminal offences are pleasing evidences of the just estimate made by our fellow citizens of their happy condition. To continue this state of things, we concur with you as to the importance of a well organised judiciary: and we shall cheerfully co-operate in any measures which may be necessary to render it respectable and dignified.

It is to be regretted that the credit of the state paper should have been heretofore so much impaired; and although the additional taxes laid at the last session of the legislature, will it is hoped, place entire confidence in the punctuality of the commonwealth; this subject merits and shall receive the most particular attention.

The House of Representatives will give due consideration to the several other matters recommended by you to the notice of the legislature; and fully impressed with the propriety of cherishing harmony with the other departments of government, they pledge themselves to devote their best exertions to the public good.

WASHINGTON CITY.

MONDAY, DECEMBER 24.

If the spirit of the addresses of the governors of the several states be a presage, as we trust it is, of the principles likely to influence the legislatures, we may anticipate from them the discharge of more important duties than perhaps have, at any preceding time, devolved upon them. There appears to be a general concurrence in the opinion that this is the propitious season for making those great interior arrangements on which the permanent prosperity of the country depends. The vast object of republican institutions, the diffusing the blessings of knowledge to youth of every description, and thus insuring by the only feasible means, the prevalence of pure morals, and the capacity to enjoy the benefits of freedom, is justly considered as worthy of the greatest exertions. In necessary connection with, though in subordination to this object, is contemplated the duty of forming and fostering systems of internal improvement beyond the power of individuals to accomplish. No chief magistrate has viewed these objects with a more zealous regard than governor Tiffin, whose communication we this day republish. His patriotism is of the right kind. Valuing the blessings of a free government, he is for placing them on the only firm basis on which they can rest—on general education. We rejoice to find that the munificent endowment the state of Ohio has received from the general government for this object, is likely to obtain a wise direction, and thus increase the happiness and respectability of our youngest sister. May the example she sets not only enlighten her own path, but shed its propitious influence on all around her!

Congressional Register.

HOUSE OF REPRESENTATIVES.

FRIDAY, DECEMBER 21.

Mr. Rhea (of Ten.) moved that the secretary of War be directed to lay before this House a statement of the officers and privates of the several corps in the actual service of the United States during the years 1804 and 1805, and the names of the posts and the numbers of the officers and soldiers occupying the same, also a detailed statement of the monies expended on the several fortifications, arsenals, armories, and magazines of the United States during the aforementioned period.

Gen. Varnum doubted whether the secretary of war could give all the information required, particularly he could not make up returns of 1804 until some time in 1805.

Mr. Dana did not know that there was any military secret in the disposal of the small military force of the United States, but he did not think it prudent to give a written document on this subject, lest any nation of Indians should occasion some trouble to a post but weakly manned.

Mr. Rhea of Ten. in answer to general *Varnum* replied that if the secretary at war could not give the information required he would say so. On the observation of Mr. Dana, he replied that in his opinion the representatives of the nation ought to be acquainted with the number of their troops and their respective stations.

Mr. Eustis requested the resolution might lay on the table till Monday.

Mr. Rhea of Ten. acquiesced and the motion lies accordingly.

Mr. Eustis reported from the select committee on the bill regulating the clearance of armed merchant vessels, several amendments thereto, which being adopted, the bill as amended was ordered to be engrossed for a third reading on Monday next.

Mr. Dana from the committee of Claims reported against the petition of Gilbert Dench, who prayed allowance for depreciation sustained in 1782, that the prayer thereof ought not to be granted.

Agreed to by the House.

Also, a bill for the relief of the legal representatives of the late general Moses Hazen, which was twice read and referred to a committee of the whole on Monday next.

An engrossed bill for establishing rules and articles for the government of the armies of the United States, was read a third time and passed.

Mr. J. Clay presented the petition of Oliver Evans, stating his many and very useful inventions for the improvement of merchant mills and steam engines, praying an extension of his patent right to his mill machinery, and on motion the same was referred to the committee of Commerce and Manufactures.

Mr. Crowninshield from the committee of Commerce and Manufactures, reported a bill declaring Cambridge in Massachusetts to be a port of delivery.

Ordered to be engrossed for a third reading on Monday.

Another bill to authorise the collector of the port of Philadelphia to act by an additional deputy was read twice and referred to a committee of the whole for Monday.

Mr. Clopton presented a petition from sundry British merchants and other British subjects, praying a tribunal to be established for the trial of suits for smaller sums than 500 dollars, claiming this under the constitution and under the 4th article of the British treaty.

Referred to a select committee of five members.

Mr. Crowninshield presented the petition of John Verey, a fisherman from Massachusetts, complaining of the loss of his vessel and fish, by which he lost the bounty money on the salt he had taken out and praying relief.

Referred to the committee on the fisheries.

Another petition from Ezra Weston of Massachusetts, similar to the last was presented, and referred to the same committee.

Mr. Leib moved that a committee be appointed to enquire into the expediency of making provision by law to authorise the collectors of the several ports of the United States, to deposit for collection the bonds received by them for the payment of duties, in the bank of the United States, or any of its branches, or in any of the chartered banks of the several states. In support of the reference he remarked that the resolution contemplated an enquiry, and an important one. The bank of the United States and its branches had usually a deposit of the monies of the government to the amount of between four and five millions of dollars, that by means of this deposit that bank was enabled not only to hold the mercantile interest tributary to the institution, but all the banks of the states. His object was to equalise the benefits and not to permit that institution to monopolise an enormous profit from the treasure of the nation. He wished to unfetter the bank institutions generally, and he hoped the enquiry would obtain, and he believed the bonds due to the United States would be as carefully collected in the chartered Banks, which are at the same time equally secure, as that of the United States or any of its branches.

Mr. R. Griswold recollected this subject was suggested at a former session, and as it had a relation to the management of our finances he thought it would be more proper to refer it to the committee of Ways and Means—he made that motion accordingly.

Mr. Leib did not see that the subject necessarily appertained to the committee of Ways and Means. It had no relation to the increase or decrease of the duties on imports; but merely to the deposit of the bonds given by the merchants to the collectors. His true object was to prevent a monopoly, and he trusted gentlemen would not be enabled to defeat it by this mode of reference.

Mr. R. Griswold, understood the motion to relate to the deposit of the bonds, but it would be proper to enquire into the safety of such deposit before it was authorised by law; and in his opinion the committee of Ways and Means from the habits of their business was as competent to make the enquiry as any select committee.

On the question it was referred to the committee of Ways and Means, 51 being in favor of such reference, and 41 against it.

The bill from the Senate for the disposition of certain copies of the laws of the United States, went before a committee of the whole, which having made some amendments thereto rose and reported, and the House having incorporated the amendments into the bill, it was ordered to be read a third time on Monday.

Mr. Purviance gave notice that on the third Monday of January he intended to introduce a resolution giving to the district of Columbia a durable legislature of their own, on which the opinions of the heads of departments were to be obtained.

Adjourned.

A letter from St. Thomas, received at Philadelphia, states that on the preceding day a dreadful conflagration had destroyed the whole of the town, with the exception of five houses.

Accounts received from Malaga by the way of Charleston state that the pestilence had nearly ceased.

NEWPORT, December 13.

On Wednesday, 5th inst. the Presidential Electors of this state met at Bristol, and we are happy to learn were unanimous in their ballots for *Thomas Jefferson*, as President, and *George Clinton* as Vice-President of the United States.

COLUMBIA, December 8, 1804.

The legislature proceeded, yesterday, to the election of a Governor and Lieutenant-governor, when, on casting up the ballots, it appeared that PAUL HAMILTON, Esq. was duly elected Governor, and that THOMAS SUMTER, jun. Esq. was duly elected Lieutenant governor of this State.

NEW YORK, December 19.

AWFUL FIRE.—For many years past the citizens of New-York have not witnessed a fire so extensive and ruinous as that which yesterday morning dealt destruction to a very valuable portion of our city. At an early hour the inhabitants were alarmed with the cry of fire and the ringing of alarm bells, and upon obeying the painful call of duty they found the flames bursting with dreadful fury from the house No. 104 Front-street (where the fire originated) and the adjacent buildings. The night was very cold, and perhaps to this must be ascribed the tardy motions of the citizens to the scene of action: at three o'clock very few comparatively had assembled, and at four the bucket ranks were very imperfectly formed. At this time, owing to the force of the wind, which blew fresh from the west, and the inflammable state of the houses and especially of their contents, the flames were spreading their ravages with frightful and fatal haste. So irresistible indeed was their rage, that in the lapse of an hour between twenty and thirty houses had become a prey to the devouring element, and with regard to them the operation of the engines was altogether unavailing. When the citizens had numerously collected, laudable exertions were made to supply the engines; but as the water in the harbour was at ebb, and as the pumps and cisterns furnished a very spare quantity, they were not served to amply as the awful occasion required. The floating engine, however, stationed at a convenient spot, proved of essential benefit, and plentifully supplied the small engines in its immediate neighbourhood. The progress of the fire was in the direction of the gale; and [illegible] commenced